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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,878	08/31/2000	Theodore M. Taylor	4372US (99-1187)	3858
24247	7590	03/17/2005		
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER ELEY, TIMOTHY V	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 03/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

Office Action Summary	Application No. 09/652,878	Applicant(s) TAYLOR, THEODORE M.	
	Examiner Timothy V Eley	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,11-18,22,23,40-52 and 55-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,6,11-16,49-52 and 69-71 is/are allowed.
- 6) ☒ Claim(s) 17,18,22,23,40-48,55-68 and 72-74 is/are rejected.
- 7) ☒ Claim(s) 49-52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3724

DETAILED ACTION

1. Some of the previously indicated allowable subject matter has been withdrawn in view of newly discovered prior art; namely Crevasse et al and Nishi et al.

Claim Objections

2. Claims 49-52 are objected to because "completely" (claim 49, line 5) is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18, 40-48, and 55-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 18 does not further limit claim 17, since claim 17 already recites that the subpad retention element is configured to removably retain the subpad.
- In the phrase, "the subpad support" (claim 40, line 9), "support" should be deleted since clearly it is the subpad which is removably secured to the subpad support surface.
- "polymer or a dense region" (claim 55, lines 6 and 7) is vague and indefinite, since a polymer may also be a "dense" region.

Art Unit: 3724

- "the at least one lip"(claim 63, line 7) lacks proper antecedent basis since it was not properly earlier referred to.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 17,18, and 74 are rejected under 35 U.S.C. 102(a) as being anticipated by Crevasse et al(6,033,293).

- Crevasse et al discloses a subpad support comprising a subpad retention element(48) configured to apply a negative pressure to a bottom surface of a subpad to removably retain the subpad, which is configured to support at least a portion of a polishing pad. See figure 2, and column 3, lines 59-end to column 4, lines 1-26.
- Regarding claim 74, element 46 functions as a subpad configured to support a polishing pad without being secured to the polishing pad, and the subpad retention element(48) is configured to apply a negative pressure to a bottom surface of the subpad to aid in retaining the subpad in position on the support surface.

7. Claims 17,18,22,23,72, and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishi et al(5,704,827).

- Nishi et al discloses a subpad support comprising a subpad retention element(15) configured to apply a negative pressure to a bottom surface of a subpad(2) to removably retain the subpad,

Art Unit: 3724

which is configured to support at least a portion of a polishing pad(3). See figure 5, and column 4, lines 9-19.

- Regarding claims 22,23,72, and 73, Nishi et al discloses a lip (opposite to element 7) configured to at least partially prevent lateral movement of a subpad assembled with the subpad support, and the lip is configured to substantially completely surround a peripheral edge of the subpad.

Allowable Subject Matter

8. Claims 1,2,6,11-16,49-52, and 69-71 are allowed.

9. Claims 40-48, and 55-68 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

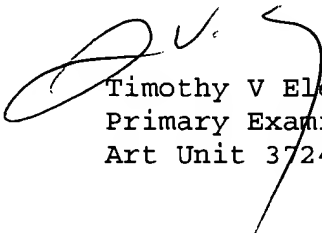
- The cited prior art discloses negative pressure used to support a polishing pad.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy V Eley
Primary Examiner
Art Unit 3724

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